IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WA.No. 1083 of 2015 () IN WP(C).31167/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 31167/2014 of HIGH COURT OF KERALA DATED 28.05.2015

APPELLANT(S)/RESPONDENTS 1 AND 2 IN THE W.P(C):

1. KERALA STATE ROAD TRANSPORT CORPORATION
   (K.S.R.T.C) TRANSPORT HOUSE, FORT
   THIRUVANANTHAPURAM - 695 023
   REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE CHAIRMAN & MANAGING DIRECTOR
   KERALA STATE ROAD TRANSPORT CORPORATION
   TRANSPORT HOUSE, THIRUVANANTHAPRUAM 695 023.

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

RESPONDENT(S)/PETITIONERS & RESPONDENTS 3 AND 4 IN THE WPC:

1. B.MOHANDAS, AGED 55 YEARS,
   S/O.BALAGANGADHARA TILAKAN, INSPECTOR
   OFFICE OF THE CHIEF TRAFFIC OFFICER,
   CHIEF OFFICE
   KERALA STATE ROAD TRANSPORT CORPORATION
   TRANSPORT BHAVAN, FORT THIRUVANANTHAPURAM
   RESIDING AT AKKURKIZHAKKATHIL,
   SAKTHIKULANGARA P.O.
   KOLLAM 691 581.

2. K.N.PRAKASH, S/O.V.NEELAKANTA PILLAI,
   INSPECTOR, AGED 54 YEARS,
   KERALA STATE ROAD TRANSPORT CORPORATION
   CHATHANNUR DEPOT, RESIDING AT MANINADHAM,
   MABALLIKUNNAM
   CHATHANNUR P.O., KOLLAM 691 572.

3. V.S.AJIKUMAR, AGED 51 YEARS
S/O.VELAYUDHAN ACHARI, INSPECTOR
KERALA STATE ROAD TRANSPORT CORPORATION
VIZHINJAM DEPOT
RESIDING AT A.T.NIVAS, NELLIYODU,
THIRUVALLAM P.O.
THIRUVANANTHAPURAM 695 027.

4. S.BABY, AGED 55 YEARS
S/O.SUKUMARAN, INSPECTOR
KERALA STATE ROAD TRANSPORT CORPORATION
PALODE DEPOT
RESIDING AT AASRAYAM, PULIPPARA P.O., KADAKKAL
KOLLAM 691 536.

BY SRI.SAJEEV KUMAR K.GOPAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

.....

W.A.No.1083 of 2015

.....

Dated this the 5th day of June, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. We have heard the learned counsel for the writ appellant, Kerala State Road Transport Corporation.

2. The appeal is against an interlocutory order passed during pendency of writ petition. The first respondent/first writ petitioner appears to be one who was due to retire from service on 31.05.2015. The learned single Judge directed that the first writ petitioner may be provisionally promoted as Assistant Transport Officer on or before 30.05.2015, subject to the result of the writ petition, and that the payment of monetary benefits consequent on such promotion shall await till the disposal of the writ petition. The predominant intention of that order is to ensure that the first writ petitioner does not lose any benefit which may accrue to him in the event if the writ petitioners

succeed. Balance of convenience was in favour of granting such an order to protect the interest of the first writ petitioner. We do not find any ground to interfere with the interlocutory order in this intra-court appeal, since the same has been issued on a fair and due application of mind by the learned single Judge. The appeal under Section 5 of the Kerala High Court Act, 1958, therefore, fails.

In the result, the writ appeal is dismissed in limine.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)

jg